

Message Text

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PAGE 01 STATE 212756
ORIGIN MCT-02

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APPROVED BY M/CT: AMBASSADOR QUANTON
EA/PHL:C CHRISTIAN
-/SFP:L G FIELDSJR
EUR/SOV:W FARRAND (SUBS)
-----075197 221718Z /50
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FM SECSTATE WASHDC
TO AMEMBASSY MANILA PRIORITY

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E.O. 11652: N/A

TAGS: EAIR

SUBJECT: BONN SUMMIT DECLARATION ON HIJACKING

REF: MANILA 14503, STATE 212172

1. IN RESPONSE PARA 3 REFTTEL, GUIDANCE ON NON-SUMMIT
COUNTRY SUPPORT FOR OBJECTIVES OF BONN DECLARATION SENT
SEPTEL 21 AUGUST.

2. FOR AMBASSADOR'S INFORMATION, BRIEF SUMMARY OF
BRAZINSKAS CASE FOLLOWS:

PRANAS AND ALGIRDAS BRAZINSKAS (LITHUANIAN FATHER AND SON)
WERE PROSECUTED AND SENTENCED IN TURKEY FOR THE
OCTOBER, 1970 HIJACKING OF A SOVIET AIRLINER TO TURKEY,
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DURING WHICH A STEWARDESS WAS KILLED. AFTER SERVING
PART OF THEIR SENTENCE, THE BRAZINSKAS WERE RELEASED
TO A REFUGEE CAMP IN MAY, 1974 UNDER A GENERAL AMNESTY
ISSUED BY THE TURKISH GOVERNMENT.

3. SUBSEQUENTLY, THE BRAZINSKAS ESCAPED FROM THE CAMP
AND SOUGHT ASYLUM THROUGH THE US EMBASSY IN ANKARA,

BUT THEIR PETITION WAS DENIED DUE TO THE SERIOUSNESS
AND NON-POLITICAL NATURE OF THE CRIME THEY COMMITTED.

THEY WERE ACCEPTED IN IMMIGRANT STATUS BY VENEZUELA
FOR HUMANITARIAN REASONS. IN 1976, WHEN ENROUTE FROM
CARACAS TO TORONTO, THEY DEPLANED IN NEW YORK AND
ILLEGALLY ENTERED THE US WITHOUT VISAS. IN NEW
YORK THEY AGAIN SOUGHT POLITICAL ASYLUM, BUT THE
REQUEST WAS DENIED AND BOTH CURRENTLY ARE SUBJECTS
OF DEPORTATION PROCEEDINGS.

4. AS A MATTER OF POLICY, USG CONDEMNS ALL HIJACKINGS
AND ALL OTHER FORMS OF TERRORISM, REGARDLESS OF THE
MOTIVE. THIS POLICY HAS LED USG TO OPPOSE ASYLUM FOR
THE BRAZINSKAS. THE BRAZINSKAS WERE PROSECUTED UNDER
TURKISH LAW FOR HIJACKING A SOVIET AIRLINER AND FOR
THE DEATH OF A STEWARDESS. THEIR CRIME WAS COMMITTED
BEFORE THE ENTRY INTO FORCE OF THE CONVENTION ON
SUPPRESSION OF UNLAWFUL SEIZURE OF AIRCRAFT
(HAGUE CONVENTION). AS TO THE QUESTION OF US
PROSECUTION, THERE IS NO JURISDICTIONAL BASIS FOR THIS
OFFENSE, AS IT OCCURRED PRIOR TO THE ENACTMENT OF THE
ANTI-HIJACKING ACT OF 1974 WHICH CONFERS EXTRA-
TERRITORIAL JURISDICTION FOR SUCH CRIMES. HAD THEIR
CRIME BEEN PERPETRATED AFTER ENACTMENT, THE US COULD
HAVE PROSECUTED THEM FOR THE ACT OF HIJACKING. AS TO
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EXTRADITION TO USSR, THERE IS NO US-USSR EXTRADITION
TREATY AND THE EXTRADITION AUTHORITY OF THE HAGUE
CONVENTION COULD NOT BE INVOKED AS THE CRIME WAS
COMMITTED PRIOR TO ITS ENTRY INTO FORCE. CHRISTOPHER

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